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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,667	05/18/2001	William Race Dowling	42336.010500	3346

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GREENBERG-TRAURIG  
1750 TYSONS BOULEVARD, 12TH FLOOR  
MCLEAN, VA 22102

EXAMINER

JUNG, DAVID YIUK

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/859,667

Applicant(s)

DOWLING ET AL.

Examiner

David Y. Jung

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-64 are presented.

Of which:

Claims 1-21, 46-52, 54, 57, 59, 62, 64 are rejected over PGP; and

Claims 22-45, 53, 55-56, 58, 60-61, 63 are rejected over PGP and  
admissions against prior art.

### ***Response to Arguments***

Applicant's arguments filed have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., paragraph 0046 to paragraph 0057 of the specification, as relied in arguments at pages 14-15 of the Remarks section of the Response from Applicant) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### **CLAIM REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

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subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21, 46-52, 54, 57, 59, 62, 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over PGP (Quote from "*E-Mail Security: How to Keep your Electronic Messages Private* by Bruce Schneier; John Wiley & Sons, Inc. 1995 as printed in <http://www.trincoll.edu/depts/cpsc/cryptography/pgp.html>).

Regarding claim 1, PGP teaches "A system for secure data transmission comprising: a session layer that maps authentication of at least one request to session level authentication, the authorization defining permitted communications between at least one ... and the at least one request (PGP, example paragraph, session key being used per session, authentication between Chris and Brian, thus a session level authentication).

These passages of PGP does not mention "resource" in the sense of the claim. The claim appears to refer to more than mere email resource; the claim appears to refer to a generalized resource.

Nevertheless, it was well known in the art to (if not in 1995, then at least by the time of the filing date of this application) to control "resource" in such fashion for the motivation of having more complete security.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify PGP for the motivation noted in the previous paragraphs so as to teach the claimed invention.

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Regarding claim 2 (reverse proxy, etc.), such particular features are well known in the art for the purpose of handling information across computers. Regarding claim 3 (other layers unaware of the sub-layer handling, etc.), such particular features are well known in the art for the purpose of handling information across computers. For example, PGP itself handles per session. PGP would not necessarily interfere with security handlings of other layers. Regarding claims 3-21, 46-52, 54, 57, 59, 62, 64, such particular features are well known in the art for the purposes of handling information across computers and of security. Regarding claims 46-52, 62, such rulebases are well known in the art for the motivation of efficient control of networks.

Claims 1-21, 46-52, 54, 57, 59, 62, 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over PGP (Quote from "*E-Mail Security: How to Keep your Electronic Messages Private* by Bruce Schneier; John Wiley & Sons, Inc. 1995 as printed in <http://www.trincoll.edu/depts/cpsc/cryptography/pgp.html>) and admissions against prior art.

Regarding claim 22, PGP teaches "A system for secure data transmission comprising: a ... provided by: a trusted session sub-layer for session authorization and maintenance; a trusted operating system for session separation; and a reverse proxy for data transfer between a user and a resource provider (PGP, example paragraph, session key being used per session, authentication between Chris and Brian, thus a session level authentication).

These passages of PGP does not mention "virtual gap" in the sense of the claim.

At pages 1-5 (especially page 3 during discussion of trusted operating system and page 5 during discussion of virtual air gaps), the specification of this application noted that such features are well known in such fashion for the motivation of having more complete security.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify PGP for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 23 (other layers unaware of the sub-layer handling, etc.), such particular features are well known in the art for the purpose of handling information across computers. For example, PGP itself handles per session. Regarding claim 24 (bundling of transport layer, etc.), such features are well known in the art of network for the motivation of efficiency. For example, TCP/IP itself bundles the transport layer differently than the classic OSI model. Regarding claims 25-45, 53, 55-56, 58, 60-61, 63, such particular features are well known in the art for the purposes of handling information across computers and of security. Regarding claims 29, such rulebases are well known in the art for the motivation of efficient control of networks.

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 746-7239, (for formal communications intended for entry)

**Or:**

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(703) 746-5606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Greg Morse whose telephone number is (571) 272-3838.

David Jung

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Patent Examiner

7/22/05

A handwritten signature in black ink, consisting of a large loop followed by a series of smaller loops and a long horizontal stroke.